

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

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Randy Bates,

Plaintiff,

vs.

Steve Blust, Ian R. Leslie,
The Beaufort Gazette, Walter G. Whetsell,
Starboard Communications,
William R. Folks, III, and ViewPolitik,

Defendants.

Civil Action No.: 9:10-0757-CWH

ORDER

The plaintiff, Randy Bates, who is pro se, filed this action for defamation against the above-captioned defendants, six of whom are residents of South Carolina. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(d), D.S.C., this matter was referred to United States Magistrate Judge Bristow Marchant for pre-trial proceedings and a report and recommendation. On March 30, 2010, the magistrate judge issued a report recommending that this matter be dismissed without prejudice because the court lacked subject matter jurisdiction. (Docket Entry # 8). The magistrate judge advised the plaintiff of the procedures and requirements for filing objections to the report and the serious consequences if he failed to do so. The plaintiff has filed no objections and the time for doing so has expired.

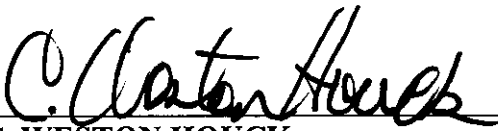
The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. See Mathews v. Weber, 423 U.S. 261 (1976). The court is charged with making a de novo

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determination of any portion of the report of the magistrate judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter to the magistrate judge with instructions. See 28 U.S.C. § 636(b). The court reviews the report only for clear error in the absence of an objection. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”) (citation omitted).

After reviewing the record of this matter, the applicable law, and the report and recommendation of the magistrate judge, the Court agrees with the conclusions of the magistrate judge. Accordingly, the Court adopts and incorporates the report and recommendation by reference in this Order. The plaintiff's complaint is dismissed without prejudice.

AND IT IS SO ORDERED.


C. WESTON HOUCK
UNITED STATES DISTRICT JUDGE

June 10, 2010
Charleston, South Carolina

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